



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
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January 8, 2003

**TO:** Washington State Board of Health Members  
**FROM:** Carl Osaki, WSBOH Member  
**RE:** UPDATE ON FOOD CODE RULE REVISION—CHAPTER 246-215 WAC

**Summary**

In response to concerns about the time frame for revising chapter 246-215 WAC, Food Service Regulations and the variability of food regulations across local jurisdictions, legislation was proposed, passed by the Legislature, and vetoed by Governor Locke last session. Had the governor not intervened, the bill would have given the Board sole rule-making authority to adopt food service rules for food service establishments, preempting local health jurisdictions' current ability to set stricter food regulations.

In response to this bill's intent to establish greater consistency among local health jurisdictions' food service rules and their interpretations of state rules, a group of local health jurisdiction, industry, and Department of Health (DOH) representatives are working on developing a proposal for a Food Safety Review Council. Initially, discussions included the possibility of granting the Food Safety Review Council authority to develop binding technical interpretations of the state food code. However, recently the group agreed to propose that the State Department of Health establish a pilot advisory council that would issue interpretations of the state food code that are not binding.

Board members asked for periodic updates on the food service rule revision process. The creation of a Food Safety Review Council is an important development within the food service rule revision process, is likely to be included in the food code rules that DOH proposes to the Board in 2004, and may result in future legislation. At today's meeting, Jennifer Tebaldi from the DOH Food Safety Program will discuss the rule revision time frame, the Food Safety Review Council concept, and next steps in the rule revision process. (Please see DOH materials in Tab 9: "DOH Food Safety Program: Retail Food Code Revision Update, December 2002")

**Board action recommended**

*No action recommended at this time.*

### **Background**

The purpose of chapter 246-215 WAC is to establish State Board of Health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well being of the public and prevent the spread of disease by food (WAC 246-215-001). The food service rules adopted by the Board cover a wide range of activities including food preparation, protection from contamination, temperature control and cooking requirements, sanitary design of equipment and utensils, cleaning, worker sanitation, and pest control. Local health jurisdiction staffs enforce Food Service regulations, and local boards of health may adopt more stringent regulations (WAC 246-215-280). The Board last revised its food service rules in 1992.

In November 2001 the Board filed a CR-101 to begin the rule revision process for the food service regulations. The stated goal was to develop regulations that are more consistent statewide, using the U.S. Food and Drug Administration (FDA) Food Code as a guide (see attached CR-101).

The FDA Food Code contains model guidelines for regulating food service establishments, along with extensive references, public health reasons for the guidelines, and additional information. Thirty states have adopted the federal code, and 15 other states are in the process of adopting most of its provisions.

In February 2002 the Senate and House passed Engrossed Substitute Senate Bill 6588, which would have given the Board exclusive authority to adopt food service rules, and the Department of Health exclusive authority to interpret food service rules. It would have allowed local boards of health to adopt temporary emergency deviations, subject to Board review. ESSB 6588 also set a deadline of December 31, 2004 for the Board to adopt updated food service rules. Although Governor Locke vetoed ESSB 6588, the December 2004 rule adoption date has been incorporated into the food service rule revision time frame.

Attachment